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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,324	11/15/2001	Mark Frigon	SAC-P0002	5004

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EXAMINER	
BETIT, JACOB F	

ART UNIT	PAPER NUMBER
2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/991,324	FRIGON, MARK	
	Examiner	Art Unit	
	Jacob F. Bétit	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *90,98,103 and 106-114* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *90,98,103 and 106-114* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 October 2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 90, 98, 103 and 106-114 are rejected under 35 U.S.C. 102(e) as being anticipated by Shneiderman (U.S. patent No. 7,010,751 B2).

As to claim 90, Shneiderman teaches in a multi-user computer network a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising at least one object (see column 7, lines 40-43);

presenting a client interface configured for at least one providing user of a plurality of providing users to provide identifying information (see column 7, lines 42-46);

obtaining said identifying information from said at least one providing user wherein said identifying information comprises information that uniquely identifies said at least one object in said image data (see column 7, lines 46-56) and wherein said identifying information further comprises location information that identifies coordinates of said at least one object (see column 8, lines 8-12);

storing said identifying information in at least one first computer where said identifying information is then searchable by a plurality of searching users (see column 5, lines 4-12);

presenting a search interface to at least one searching user of said plurality of searching users (see column 5, lines 13-18);

receiving a request for at least one image within said image data from said at least one searching user, where said at least one image comprises at least one result object (see column 5, lines 13-21);

performing a query that returns at least one result object found in said image data (see column 5, lines 20-24);

obtaining data associated with said at least one result object from said at least one first computer in response to said request, said data represents said identifying information provided by said at least one providing user of said plurality of providing users for said at least one result object (see column 5, lines 22-29); and

presenting said data associated with said at least one result object to said at least one searching user that initiated said request and presenting said identifying information at said coordinates of said at least one object (see column 5, lines 25-29).

As to claim 98, Shneiderman teaches a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising at least one object (see column 7, lines 40-43);

presenting a client interface configured for at least one providing user of a plurality of providing users to provide identifying information associated with said image data (see column 7, lines 42-46);

obtaining said identifying information from at least one providing user of a plurality of providing users wherein said identifying information comprises information that uniquely identifies said at least one object in said image data (see column 7, lines 42-46) and wherein said identifying information comprises location information that identifies the coordinates of said at least one object in said image data (see column 8, lines 8-12);

storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single object within said image data and where identifying information for said at least one image is searchable by at least one searching user of a plurality of searching users (see column 5, lines 4-12);

presenting a search interface to at least one searching user of a plurality of searching users (see column 5, lines 13-18);

receiving a request for at least one search object within said at least one image from said at least one searching user of said plurality of searching users (see column 5, lines 13-21);

performing a query that returns at least one result image data comprising said at least one search object wherein said at least one result image data comprises image data found in at least one album (see column 5, lines 20-24);

obtaining said at least one result image data from said at least one first computer in response to said request (see column 5, lines 22-29); and

presenting said at least one result image data to said at least one searching user of said plurality of searching users that initiated said request and presenting said identifying information at said coordinates of said at least one object, said identifying information includes one or more identifying pages presented to said at least one searching user of a plurality of searching users (see column 5, lines 25-29 and see figures 1 and 7).

As to claim 103, Shneiderman teaches a system for obtaining and displaying information relating to the existence of at least one object in an image comprising:

means for obtaining image data comprising a at least one object(see column 7, lines 40-43);

means for presenting a client interface configured for at least one providing user of a plurality of providing users to provide identifying information associated with said at least one object in said image data (see column 7, lines 42-46);

means for obtaining said identifying information from said at least one providing user wherein said identifying information comprises information that relates to said at least one object

in said image data (see column 7, lines 46-56) and wherein said identifying information comprises location information that identifies coordinates of said set of at least one object in said image data and wherein said identifying information is searchable by at least one searching user (see column 8, lines 8-12);

means for storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single object of said sec of at least object (see column 5, lines 4-12);

means for presenting a search interface to at least one searching user of a plurality of searching users (see column 5, lines 13-18);

means for receiving via said search interface a request from said at least one searching user for at least one object within said image data (see column 5, lines 13-21);

means for performing a query that returns at least one result image data wherein said at least one result image data comprises image data found in at least one album and having said at least one object (see column 5, lines 20-24);

means for obtaining said at least one result image data from said at least one first computer in response to said request (see column 5, lines 22-29);

means for obtaining corresponding identifying information associated with said at least one search object in said at least one result image data (see column 5, lines 25-29);

means for presenting via a graphical user interface said at least one result image data and said corresponding identifying information to said at least one searching user that initiated said request and means for presenting said identifying information at said coordinates of said at least one object (see figures 1 and 7); and

means for associated a hyperlink with said at least one result image data to initiate a request for other image data (see column 7, lines 33-38).

As to claim 106, Shneiderman teaches wherein said at least one result object has an associated hyperlink adapted to initiate a request for other image data comprising said at least one result object (see column 7, lines 33-38).

As to claim 107, Shneiderman teaches wherein said at least one result image data presented to said at least one searching user of said plurality of searching users has an associated hyperlink adapted for initiating a request for other image data (see column 7, lines 33-38).

As to claim 108, Shneiderman teaches wherein said identifying information is provided by at least one searching user of said plurality of users for said at least one image data (see column 7, lines 42-46).

As to claim 109, Shneiderman teaches wherein said query is performed by said plurality of searching users to produce a result comprising a same at least one result image data (see column 5, lines 22-29).

As to claim 110, Shneiderman teaches wherein said identifying information used in performing requested query by said at least one searching user comprises identifying information searchable by said at least one of said plurality of searching users (see column 10, lines 44-52).

As to claim 111, Shneiderman teaches wherein said identifying information is provided by at least one providing users in said plurality of providing users (see column 7, lines 42-46).

As to claim 112, Shneiderman teaches wherein said query is performed by said plurality of searching users to produce a result comprising a same at least one result image data (see column 5, lines 20-24 and see column 6, lines 9-18).

As to claim 113, Shneiderman teaches wherein said identifying information used in performing requested query by said at least one searching user comprises identifying information searchable by said at least one of said plurality of searching users (see column 6, lines 9-18).

As to claim 114, Shneiderman teaches a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

storing image data comprising representations of an identifiable person (see column 7, lines 40-43);

presenting a client interface configured for at least one providing user to provide identifying information about said identifiable person (see column 7, lines 42-46);

obtaining said identifying information from said providing user wherein said identifying information comprises information that uniquely identifies said identifiable person in said image data (see column 7, lines 42-46) and wherein said identifying information further comprises

location information that identifies coordinates of said at least one object in said image data (see column 8, lines 8-12);

storing said identifying information in at least one server computer where said identifying information is searchable by a plurality of searching users (column 5, lines 4-12);

presenting a search interface to a first at least one searching user of said plurality of searching users (see column 5, lines 25-29);

receiving a request for said image data having said identifiable person from said first at least one searching user, said request comprising said identifying information about said identifiable person (see column 5, lines 13-21; see column 6, lines 9-18; and see column 10 lines 44-52);

performing a first query that returns said image data having said identifiable person (see column 5, lines 20-24);

presenting said image data associated with said identifiable person to said first at least one searching user that initiated said request and presenting said identifying information with said image data (see column 5, lines 25-29);

presenting said search interface to a second at least one searching user of said plurality of searching users (see column 1, lines 23-55 and see column 5, lines 13-18);

receiving a request for said image data having said identifiable person from said second at least one searching user, said request comprising said identifying information about said identifiable person (see column 5 lines 13-21);

performing a second query that returns said image data having said identifiable person (see column 5, lines 20-24); and

presenting said image data associated with said identifiable person to said second at least second one searching user that initiated said request and presenting said identifying information with said identifiable person (see column 5, lines 25-29).

Response to Arguments

4. Applicant's arguments filed 18 October 2007 have been fully considered but they are not persuasive.

In response to the applicant's arguments that "Shneiderman '751 does not contemplate, teach or suggest a 'multi-user computer network' where a client interface is presented for 'at least one searching user of 'a plurality of searching users' for performing a query on result objects in image data", the arguments have been considered, but are not deemed persuasive.

It is first noted that in claims 90, 98 and 114 the phrase "a multi-user computer network" appears in the preamble of the claim before identifying the claim as a method. Non of the steps found in the method appear to require that the steps be performed on more than one computer. In response to applicant's arguments, the recitation. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As for the applicant's arguments directed towards the Shneiderman reference only having a single user and not "a plurality of users" providing information and searching that information,

the arguments have been considered, but are not deemed persuasive. In the background section of the Shneiderman reference the underlying problem identified is the loss of information "when those having actual knowledge of the depicted images become unavailable or die" (see column 1, lines 30-37). The Shneiderman reference is meant to be a tool for "addressing the paradoxical diminution in the value of aging images" by "professional photographers, editors, librarians, curators, and scholars" (see column 1, lines 37-46). It is therefore implicit that the processes disclosed by the Shneiderman reference whether occurring on one computer or many are still meant to be performed by a plurality of people (i.e., users).

In response to the applicant's comments stating that Shneiderman's annotations are "an arbitrary value", it is noted with reference to figures 3-7 and column 10, lines 44-52 that at least in one embodiment the annotations are people's names that are found in a names table that is stored in a database.

In response to the applicant's comments stating that "Shneiderman '751 also lacks a mechanism whereby multiple computers can share information", it is noted that there is no limitation in the claims that would require Shneiderman to teach this situation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant's arguments appear to be directed towards an embodiment where there is multiple clients making request to a server for photo annotation information. Although the

limitations as currently recited in the claims do not appear to require there to be more than one computer, it is noted that if changes were made to the claims to require this the Shneiderman reference may be overcome. However, it is also noted that if this was the case, it may be possible for the examiner to use the Eintracht et al. reference cited below in combination with the Shneiderman reference to make a rejection under 35 USC §103(a). Therefore, it may be beneficial for the applicant to look at the Eintracht et al. reference before making amendments to the claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent No. 6,687,878 B1 to Eintracht et al. for teaching client notes that are synchronized with remote client notes by using a notes server and database that is remote from the clients.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb
2 Jan 2008

C. Rones

CHARLES RONES
SUPERVISORY PATENT EXAMINER